

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

YUAN ZHANG, a married person,

Plaintiff,

v.

THE ENERGY AUTHORITY, INC., a
corporation,

Defendant.

NO.

DEFENDANT THE ENERGY
AUTHORITY, INC.'S NOTICE OF
REMOVAL

TO: CLERK OF THE COURT

AND TO: PLAINTIFF YUAN ZHANG AND HER ATTORNEYS OF RECORD

PLEASE TAKE NOTICE THAT pursuant to Sections 1331, 1332, 1336, 1441 and 1446 of Title 28, United States Code, Defendant The Energy Authority, Inc. ("The Energy Authority") removes the instant action from King County Superior Court for the State of Washington, Case No. 22-2-06067-1 SEA, to the United States District Court for the Western District of Washington, Seattle Division.

I. BACKGROUND

1. On April 25, 2022, Plaintiff commenced this action by filing her Summons and Complaint for Employment Discrimination in the Superior Court of Washington for King County, captioned *Yuan Zhang, Plaintiff, v. The Energy Authority, Inc., a corporation*, bearing

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1 the case number 22-2-06067-1 SEA ("Plaintiff's Complaint"). A true and correct copy of
2 Plaintiff's operative Complaint is attached as Exhibit 1A, and made part of this Notice.

3 2. Plaintiff Zhang filed a motion for default order with the King County Superior
4 Court that is pending and was noted for hearing on June 3, 2022. No further proceedings have
5 occurred in this action.

6 3. Plaintiff's Complaint alleges that The Energy Authority took adverse
7 employment actions against her on the basis of sex, race/ethnicity, pregnancy, and utilization of
8 leave benefits. Exhibit 1A, Plaintiff's Complaint, p. 1. Zhang further contends that these
9 allegations amount to violations of federal law. Specifically, Zhang alleges that The Energy
10 Authority violated Title VII of the Civil Rights Act of 1964 (Exhibit 1A, Plaintiff's Complaint,
11 pp. 8-11), Section 1981 of Title 42, United States Code (Exhibit 1A, Plaintiff's Complaint, pp.
12 11, 12-13), and Section 2000, *et seq.*, Title 42, United States Code (Exhibit 1A, Plaintiff's
13 Complaint, p. 12). Zhang contends the same conduct alleged to have been committed by The
14 Energy Authority violated state law.

15 4. Plaintiff Yuan Zhang is domiciled in King County, the State of Washington.
16 Exhibit 1A, ¶ 2.2.

17 5. Defendant The Energy Authority, Inc. is a foreign non-profit corporation,
18 registered in the State of Georgia with its principal place of business in Jacksonville, Florida.

19 6. The amount in controversy in this matter exceeds \$75,000.

20 II. EXHIBITS

21 7. The following Exhibits are filed together with this Notice of Removal and are
22 incorporated by reference as if fully set forth herein:

23 Exhibit 1: The Declaration of Sheryl J. Willert in Support of Notice of Removal.

24 Exhibit 1A: A true and correct copy of the operative Complaint;
25

1 Exhibit 1B: Composite Exhibit with true and correct copies of all process, pleadings,
2 and orders served upon The Energy Authority, Inc. prior to the time this
3 Notice of Removal was filed.

4 Exhibit 2: The Declaration of John Lucas, CFO of The Energy Authority, Inc. in
5 Support of Notice of Removal.

6 Exhibit 3: Notice of Removal filed in the Superior Court of Washington for King
7 County.

8 III. GROUND FOR REMOVAL

9 A. Federal Question

10 8. Removal of this action is appropriate under Sections 1331, 1332 and 1441 of
11 Title 28, United States Code. Plaintiff expressly pleaded causes of action arising under federal
12 law, namely, she alleges The Energy Authority violated Title VII of the Civil Rights Act of
13 1964 and 42 U.S.C. §§ 1981, 2000 *et seq.* The district courts of the United States thus have
14 original jurisdiction over such claims pursuant to Section 1331 of Title 28, United States Code.
15 Removal of these claims is thus proper pursuant to Section 1441.

16 9. Removal of Zhang's state law claims is proper because they arise out of the
17 same alleged operative facts and therefore form part of the same case or controversy. They
18 thus fall within the supplemental jurisdiction of district courts of the United States pursuant to
19 Section 1367, Title 28, United States Code.

20 10. Removal is timely because it was filed within 30 days of the date on which
21 Plaintiff's Complaint was filed in state court, April 25, 2022. 28 U.S.C. § 1446(b).

22 B. Diversity Jurisdiction

23 11. Removal is also appropriate because there is diversity among the parties, the
24 defendant is not a resident of Washington, and the amount in controversy exceeds \$75,000. 28
25 U.S.C. § 1332.

1 12. For diversity purposes, a person is a “citizen” of the state in which they are
2 domiciled. Plaintiff Zhang alleged she is a resident of Washington. Exhibit 1A, ¶ 2.2.

3 13. As a non-profit corporation, The Energy Authority is considered to be a citizen
4 of the state in which it was incorporated, or the state in which it maintains its principal place of
5 business. 28 U.S.C. § 1332(C). A corporation’s principal place of business is the
6 corporation’s “nerve center” where its high level officers direct, control, and coordinate the
7 corporation’s activities. *Hertz Corp. v. Friend*, 559 U.S. 77 (2010). The Energy Authority is
8 incorporated in the State of Georgia and its headquarters, where its executives and officers
9 direct its corporate activities, is located in Jacksonville, Florida. Exhibit 2, Declaration of John
10 Lucas, CFO of the Energy Authority. Therefore, there is complete diversity of citizenship
11 between Zhang and The Energy Authority.

12 14. The amount in controversy in this case also exceeds \$75,000. The United States
13 Supreme Court has held that a defendant’s notice of removal need only include a plausible
14 allegation that the amount in controversy exceeds the jurisdictional threshold. *Dart Cherokee*
15 *Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 89, 135 S. Ct. 547, 554, 190 L. Ed. 2d 495
16 (2014). When determining whether the jurisdictional minimum is met, the Court will also
17 consider all recoverable damages, punitive damages, statutory penalties and attorney’s fees that
18 could conceivably be awarded. *Ten Bridges, LLC v. Midas Mulligan, LLC*, 522 F. Supp. 3d
19 856, 871 (W.D. Wash. 2021).

20 15. Although Plaintiff’s Complaint does not allege an amount in controversy, it is
21 apparent from its face that the amount in controversy exceeds \$75,000. Zhang alleges she was
22 wrongfully terminated from her employment with The Energy Authority on August 27, 2019.
23 Exhibit 1A, Plaintiff’s Complaint, ¶ 4.59. Plaintiff does not allege she was able to mitigate her
24 damages; instead she seeks lost income and benefits from the date of her termination,
25 compensatory damages for past and future non-pecuniary damages including emotional pain,

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1 suffering, inconvenience, mental anguish, loss of enjoyment of life, and humiliation, punitive
2 damages, and attorney's fees and costs. Exhibit 1A, Plaintiff's Complaint, pp. 17-18.

3 Considering the nature of Zhang's allegations, the time period for which she seeks lost income,
4 the potential for punitive damages, and the potential recovery of attorney's fees and costs,
5 Defendant reasonably believes that the amount in controversy exceeds \$75,000.

6 C. Procedural Requirements for Removal Have Been Met

7 16. In addition to meeting the jurisdictional requirements for removal, Defendant is
8 filing a copy of all process, pleadings, and orders served upon it in this matter in accordance
9 with Section 1446 or Title 28, United States Code. Exhibit 1B. The Energy Authority is not
10 aware of any proceeding in the above-described state court civil action beyond those identified
11 and included in Exhibit 1B.

12 17. Pursuant to LCR 101, contemporaneously to the filing of this Notice of
13 Removal, The Energy Authority is filing the following:

14 (1) a copy of the operative complaint;

15 (2) a certificate of service which lists all counsel and pro se parties who have
16 appeared in the action with their contact information, including email
17 address; and

18 (3) A completed Civil Cover Sheet (A044).

19 18. Defendant will promptly file the Notice of Filing of Removal attached as
20 Exhibit 3, with a copy of this Notice of Removal, in the Superior Court of Washington for
21 King County and is also serving a copy of this Notice on Zhang's counsel of record.

22 IV. CONCLUSION

23 19. Defendant The Energy Authority, Inc. respectfully notifies the Court that it
24 removes this case from the Superior Court of Washington for King County to this Court.

1 DATED this 23rd day of May, 2022.

2 WILLIAMS, KASTNER & GIBBS PLLC

3 By: s/ Sheryl J. Willert
4 Sheryl J. Willert, WSBA #08617

5 By: s/ Blair I. Fassburg
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10 *Attorneys for Defendant The Energy Authority,*
11 *Inc.*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify under penalty of perjury under the laws of the State of Washington that
14 on the date below, I electronically filed the foregoing document using the CM/ECF system
15 which will send notification of such filing to all attorneys of record, and caused a true and
16 correct copy of the foregoing document to be delivered to the following parties in the manner
17 indicated:

18 ATTORNEY FOR PLAINTIFF:

☒ Via electronic mail

19 Joseph W. Moore, WSBA #44061

20 Cascade Law, PLLC

1604 Hewitt Avenue, Suite 515

Everett, WA 98201

Email: info@cascade.law

21 DATED this 23rd day of May, 2022.

22 s/ Maggi Gruber

23 Maggi Gruber, Legal Assistant

mgruber@williamskastner.com

24
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